**IN THE HIGH COURT OF JUDICATURE OF BOMBAY**

**CIVIL APPELLATE JURISDICTION**

APPEAL FROM ORDER NO.280 OF 2006
WITH
CIVIL APPLICATION NO.407 OF 2006
WITH
CIVIL APPLICATION NO.364 OF 2006

Methodist Church in India & Ors. ..Appellants.

V/s.

Bishop Dr.Dinesh K. Agarwal. ..Respondent.

Mr.M.P.Vashi i/b M/S.M.P.Vashi Associates for Appellants.

Mr.A.K.Abhyankar i/b. D.D.Belosay for respondent.

**CORAM: A.M.KHANWILKAR,J**

**DATE : APRIL 27, 2006.**

**P.C. :**

1. Heard counsel for the parties.

2. Admit.

3. Mr.A.K.Abhyankar waives notice for the respondent.

4. Counsel appearing for the respondent on conclusion of the hearing on instruction submits that the court may not record reasons for allowing this appeal, as that may influence the final decision to be arrived at by the lower court while deciding

Notice of Motion on its own merits in accordance with the law. In the circumstances, this appeal is allowed without recording reasons by issuing following directions.

(a) The impugned Judgment and order dated 12th April, 2006 is set aside.

(b) The Trial Court is directed to decide the Notice of Motion on its own merits in accordance with the law, uninfluenced by the observations made in the impugned order.

(c) Notice of Motion shall be finally disposed of by end of June, 2006.

5. These directions are issued on the assurance given by the counsel for the parties that they will extend complete cooperation to the Trial Court for early disposal of the Notice of Motion. I am informed that the Notice of Motion is now made returnable on 24th June, 2006. To facilitate the Trial Court to dispose of the Notice of Motion before the end of June, 2006, in terms of this order the parties shall appear before the trial court on 4th May, 2006 at 2.30 p.m. so that the Trial Court will

fix the appropriate date for hearing of the Notice of Motion and also issue necessary direction to the parties regarding completion of pleadings before the returnable date.

6. It is once again made clear that all questions are left open to be decided on its own merits in accordance with the law.

7. Appeal as well as civil applications disposed of on the above terms.